

APR-19-2007 THU 03:45 PM

Mule-Hide

FAX No. 16083657852

P. 002/003

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Page 2/3



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )

Inventor: RUST ET AL. )

Title: ROOFING SYSTEM AND SELF-  
BRIDGING TAPE FOR MODULAR  
BUILDING CONSTRUCTION ROOF  
JOINTS )

Serial No. 10/701,153. )

Examiner LAUX, JESSICA L.

Filing Date: 11/03/2003 )

Group Art Unit 3635

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY  
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)**

I, **Kurt J. Fago**, a citizen of the United States of America, currently residing at 14797 Misty Meadow Lane, South Beloit, Illinois, 61080, formerly residing at 418 Oakland Ave., Apt #6, South Beloit, Illinois, make this declaration to establish completion of the Invention in the above-identified Application in the United States, on a date prior to May 22, 2002, that is the effective date of the reference publication US 2003/0219564 (Hubbard) that has been cited by the examiner, and in support thereof, declare as follows:

1. I, and Paul Raymond Rust (collectively "we") of Evansville, Indiana, are co-inventors of the Invention in the Application.

2. Prior to November 1, 2001, we conceived of and developed the Invention as shown and described in the Application and as claimed in at least currently pending claims 5-27.

3. The product identified in the Notice of References Cited, accompanying the Office Action dated 02/28/2006, line "U", identified as "Mule-Hide Products, What's New

News Release, Mule-Hide Introduces Self-Bridging Mate-Line, 11/01/2001, [www.mulehide.com/news5.html](http://www.mulehide.com/news5.html)" is a commercial product according to the Invention.

4. The Mule-Hide Self-Bridging Mate-Line product was on 11/01/2001, and is currently manufactured under an assignment of my entire title, rights, and interest in the Invention.

5. From the time of our conception of the Invention, to a time prior to the effective date of the reference, we undertook the following act which show requisite diligence: reduced the Invention to practice by developing the Invention into the Mule-Hide Self-Bridging Mate-Line commercial product, and authorized filing of the US Provisional Patent Application S/N 60/423,069, filed 11/01/2002, to which this Application claim priority.

6. This Declaration is submitted with a request for continued examination of the Application.

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application and any patent issuing thereon.

Co-Inventor: Kurt J. Fago

Inventor's Signature: Kurt J. Fago

Date: 19 April 2007

Signed at: Beloit, Wisconsin

Residence: 14797 Misty Meadow Lane, South Beloit, Illinois, 61080

Citizenship: United States of America

Permanent Residency: United States of America

Post office Address: same as Residence above